



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,435	11/24/2003	Steven W. Stanton	03-115	5118

7590 12/01/2004

Lawrence S. Cohen  
Suite 1220  
10960 Wilshire Boulevard  
Los Angeles, CA 90024

EXAMINER

KIM, EUGENE LEE

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/720,435

Applicant(s)

STANTON, STEVEN W.

Examiner

Eugene L Kim

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 14-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 14-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/10/2004.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanton (#5,400,917) in view of Moser (#5,950,835) or Lingemann (#4,597,232).

Stanton substantially show the method as claimed including assembling onto a fixture 62, 64 a side member of paper defining an interior space, placing an inner closure element and outer closure (figs 8, 9) which conforms to the shape of the inside surface of the side element, directing a glue injector 70 to leave a glue fillet for bonding.

Stanton discloses the use of glue beads on multiple glue spaces to secure the top closure assembly that comprises closure assemblies 70, 72 as shown in fig 8. Since Stanton discloses that an exterior closure element is pressed to spread glue, glue will inherently contact both layers of the closure assembly since the glue is spread. (col 4 lines 60+). Stanton shows a candy box cover being heart shaped. As disclosed in applicants drawing fig 1 referring to Stanton, the nozzle 20 is spraying adhesive in a downward manner. As disclosed in applicants specification p. 2 bottom regarding this

Art Unit: 3721

reference, Stanton discloses that there is glue contact to the side member. However, Stanton does not show glue directing means on an interior corner as claimed. Both Moser et al and Lingemann disclose providing adhesive means on an interior corner. Lingemann discloses that adhesive may be injected into the corner (claims 2 and 6) while Moser et al disclose using adhesive means 372 along the interior of corner 370. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Stanton with corner adhesive means as taught by either Moser or Lingemann to solidify the corner of the container for structural reinforcement. Regarding the actual location of the glue applications, the examiner notes that it is well known in the art and obvious to apply glue at desired locations for securing purposes. Examiner also takes official notice that it is well known in the art to use manifolds with openings for glue injection at spaced apart positions


4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanton in view of Moser or Lingemann as applied to claims above, and further in view of Matovich, Jr (#4,084,489) The modified Stanton does not show spaced apart tabs for sealing. However, Matovich, Jr teaches the use of sealing tabs that uses adhesive means to form a superior tight seal (col 1 lines 53+). It would have been obvious to one of ordinary skill in the art at the time of the invention to further provide the modified invention of Stanton with sealing tabs as taught by Matovich, Jr to form a superior tight seal.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene L Kim whose telephone number is 571 272-4463. The examiner can normally be reached on Tuesday-Friday 8 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eugene L Kim  
Primary Examiner  
Art Unit 3721